

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

AUGUST 3, 2001

IN RE:)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	DOCKET NO.
TARIFF FILING FOR CONTRACT SERVICE)	00-01083
ARRANGEMENT TN98-4502-00)	

ORDER GRANTING WITHDRAWAL OF TARIFF

This matter came before the Tennessee Regulatory Authority (“Authority”) at a regularly scheduled Authority Conference held on May 1, 2001 on the tariff filing of BellSouth Telecommunications, Inc. (“BellSouth”) for the approval to offer Contract Service Arrangement TN98-4502-00. BellSouth filed Tariff No. 00-01083 on December 8, 2000 with an effective date of January 9, 2001.

Due to the Directors’ concerns related to altering interconnection agreements through Contract Service Arrangements (“CSAs”), the Authority suspended the tariff for thirty (30) days through February 8, 2001 at the January 9, 2001 Authority Conference. One such concern was whether the use of CSAs to set rates, terms and conditions circumvented the application of the “pick and choose” provisions of the Telecommunications Act of 1996, 47 U.S.C. 252(i).¹

At the February 6, 2001 Authority Conference, the Directors voted unanimously to re-suspend BellSouth’s Tariff No. 00-01083 for sixty (60) days, from February 9, 2001 through

¹ Section 252(i) states, “A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunication carrier upon the same terms and conditions as those provided in the agreement.” Unlike interconnection agreements, CSAs are not within the ambit of 47 U.S.C. § 252(i).

April 9, 2001 to allow for further investigation of the availability of the rates, terms and conditions contained in the CSA to other carriers.


At the April 17, 2001 Authority Conference, consideration of the Tariff was deferred for two weeks and scheduled to be heard at the May 1, 2001 Authority Conference. The decision to defer followed a discussion reflecting the Authority's continued concern that the terms and conditions contained in the CSA may not be as available to other carriers as they would be if they were contained in an interconnection agreement.

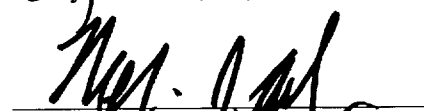
BellSouth, having failed to alleviate the Director's concerns about this CSA, filed a letter with the Authority on April 25, 2001, seeking to withdraw the tariff filing made on December 8, 2000 for CSA TN98-4502-00. Upon careful consideration of BellSouth's letter and the entire record in this matter, the requested withdrawal is accepted.

IT IS THEREFORE ORDERED THAT:


The Request of BellSouth Telecommunications, Inc. to Withdraw Tariff No. 00-01083 for the approval of Contract Service Arrangement TN98-4502-00 is hereby granted.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary